

## Message Text

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PAGE 01 HONG K 01052 250930Z  
ACTION EB-08

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C O R R E C T E D C O P Y (TEXT--PARA FIVE)

EO 11652: N/A  
TAGS: EAIR, HK  
SUBJECT: NEW HONG KONG AIRCRAFT  
LANDING INSURANCE REQUIREMENTS

REF: A) STATE 15298, B) ROBERTS-MCCAHILL MEMO 17 NOVEMBER 1977

1. CONGEN CIVIL AVIATION OFFICER RECEIVED ROBERTS MEMO SHORTLY BEFORE CHRISTMAS AND DISCUSSED ITS CONTENTS WITH HONG KONG CIVIL AVIATION DIRECTOR ROY DOWNING IN LATE DECEMBER. FOLLOWING PARAGRAPHS SUMMARIZE THAT DISCUSSION.

2. ON THIRD PARTY INSURANCE REQUIREMENTS, DOWNING PAID THAT, FROM FEBRUARY 1, 1978, HONG KONG WOULD REQUIRE NON-SCHEDULED CARRIERS TO HAVE US\$150 MILLION PER OCCURRENCE, A SIGNIFICANT INCREASE OVER THE US\$25 MILLION NOW STIPULATED. THIS NEW REQUIREMENT HAS BEEN FORMALLY SANCTIONED BY THE HKG'S CIVIL AVIATION ADVISORY BOARD, AND DOWNING DOES NOT SEE THE BOARD BACKTRACKING TO A LOWER FIGURE. DOWNING SAID THAT HIS DEPARTMENT QUERIED ALL NON-SCHEDULED CARRIERS REGULARLY USING KAI TAK AIRPORT AND FOUND ALL WILLING TO ASSUME THE HIGHER INSURANCE COVERAGE. WHILE ACKNOWLEDGING THAT INDIVIDUAL OWNERS OF GENERAL  
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AVIATION AIRCRAFT MIGHT FIND THIS NEW INSURANCE REQUIREMENT PROHIBITIVELY EXPENSIVE, DOWNING STRESSED THAT HONG KONG DID NOT WISH TO DISCRIMINATE AGAINST ANY USER OF ITS AIRPORT. HE NOTED THAT GENERAL AVIATION AIRCRAFT, INCLUDING CORPORATION JETS, USE KAI TAK NO MORE THAN ONCE A MONTH, WHILE NON-SCHEDULED COMMERCIAL CARRIERS' MOVEMENTS AVERAGE TEN DAILY.

3. DOWNING DOES NOT BELIEVE THAT HKG'S RAISING THE INSURANCE REQUIREMENT TACTITLY ACKNOWLEDGES KAI TAK TO BE LESS SAFE THAN OTHER AIRPORTS, NOR DOES HE FEEL THAT THE NEW REQUIREMENTS VIOLATE ANY ICAO PROVISIONS ON NON-DISCRIMINATION.

4. DOWNING REVIEWED HONG KONG'S STANDARDS AND PROCEDURES FOR GRANTING LANDING PERMISSION. HONG KONG ADHERES RIGIDLY TO ICAO STANDARDS FOR AIR WORTHINESS AND PILOT COMPETENCE. DESPITE SOME RESERVATIONS, HONG KONG HONORS ANY ICAO MEMBER STATE'S PILOT LICENSE. PILOTS MUST HAVE AN INSTRUMENT RATING ON THE AIRCRAFT THAT THEY INTEND TO LAND AT KAI TAK. APPLICATIONS MUST BE RECEIVED SEVEN FULL CALENDAR DAYS BEFORE THE INTENDED LANDING. NO NON-SCHEDULED AIRCRAFT MAY USE KAI TAK BETWEEN 1300 AND 1600 HOURS LOCAL TIME, DUE TO THE HIGH VOLUME OF SCHEDULED TRAFFIC DURING THOSE HOURS.

5. CONGEN COMMENT: TO JUDGE BY DOWNING'S PRESENTATION, THE HKG IS STRONGLY COMMITTED TO THE NEW INSURANCE REQUIREMENTS IN ORDER FAIRLY TO APPORTION BETWEEN THE GOVERNMENT AND KAI TAK USERS LIABILITY FOR CLAIMS THAT MIGHT ARISE FROM AN AIRCRAFT ACCIDENT. THE HKG HAS JUST RAISED ITS OWN KAI TAK LIABILITY COVERAGE TO US \$300 MILLION PER OCCURRENCE AND SEES THE NON-SCHEDULED CARRIER FEES AS A FAIR DEMAND TO PUT ON THAT CLASS OF AIRPORT USERS. THE HKG CONSIDERS SCHEDULED USERS' LIABILITY INSURANCE CURRENTLY ADEQUATE. WE THINK THAT THE LIMITED OFFICIAL USE

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HG WOULD NOT BE SYMPATHETIC TO CONGEN EFFORTS TO HAVE GENERAL AVIATION AIRCRAFT EXCLUDED FROM THE NEW INSURANCE REQUIREMENTS, ESPECIALLY SINCE THE REQUIREMENTS APPLY TO AIRCRAFT OF ALL NATIONALITIES.

6. THE POSSIBILITY OF THE NEW HKG POLICY AFFECTING AMERICAN GENERAL AVIATION AIRCRAFT LANDING AT KAI TAK IS MINIMAL, GIVEN FLYING DISTANCES AND SCHEDULED SERVICES IN THE HONG KONG REGION. IN THE EXCEPTIONAL CASE OF THE TRAVEL CLUB JET, TO WHICH THE ROBERTS MEMO REFERS, THE CARRIER WOULD PROBABLY BE ABLE TO BUY THE NECESSARY TERM INSURANCE. FINALLY, THE HKG WOULD NOT LIKELY TO BE RECEPTIVE TO AMERICAN REPRESENTATIONS ON BEHALF OF THE RARE GENERAL AVIATION USER OF KAI TAK WHEN THE PRINCIPAL US NON-SCHEDULED USERS, NAMELY ESTABLISHED CARGO AND PASSENGER CHARTER COMPANIES, HAVE ASSENTED TO THE NEW HKG RULING.

7. MEMCON AND LETTER TO ROBERTS FOLLOW BY POUCH.  
SHOESMITH

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